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LAW DEPARTMENT

NOTIFICATION

The 1st October, 2011

No. 9629-Legis.-1/11/L.— The following Acts of Parliament which are assented by the President on the 4th September, 2010 and published by the Government of India, Ministry of Law & Justice (Legislative Department) in the Gazette of India, Extraordinary, Part-II, Section-I, dated the 4th September, 2010 are hereby republished for general information.

By Order of the Governor

D. DASH

Principal Secretary to Government

ACT NO. 32 OF 2010

ASSENTED TO ON 4TH SEPTEMBER, 2010

THE INDIAN MEDICAL COUNCIL (AMENDMENT) ACT, 2010

AN

ACT

Further to amend the Indian Medical Council Act, 1956.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Medical Council (Amendment) Act, 2010.

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 15th day of the May, 2010.

102 of 1956.

2. After Section 3 of the Indian Medical Council Act, 1956 (hereinafter referred to as the principal Act), the following Sections shall be inserted, namely:—

Insertion of
new Sections
3A, 3B and 3C.

'3A. (1) On and from the date of commencement of the Indian Medical Council (Amendment) Act, 2010, the Council shall stand superseded and the President, Vice-President and other members of the Council shall vacate their offices and shall have no claim for any compensation, whatsoever.

Power of
Central
Government to
supersede the
Council and to
constitute a
Board of
Governors.

(2) The Council shall be reconstituted in accordance with the provisions of Section 3 within a period of one year from the date of supersession of the Council under sub-section (1).

(3) Upon the supersession of the Council under sub-section (1) and until a new Council is constituted in accordance with Section 3, the Board of Governors constituted under sub-section (4) shall exercise the powers and perform the functions of the Council under this Act.

(4) The Central Government shall, by notification in the Official Gazette, constitute the Board of Governors which shall consist of not more than seven persons as its members, who shall be persons of eminence and of unimpeachable integrity in the fields of medicine and medical education, and who may be either nominated members or members *ex officio*, to be appointed by the Central Government, one of whom shall be named by the Central Government as the Chairperson of the Board of Governors.

(5) The Chairperson and the other members, other than the members, *ex officio*, shall be entitled to such sitting fee and travelling and other allowances as may be determined by the Central Government.

(6) The Board of Governors shall meet at such time and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as is applicable to the Council.

(7) Two-third of the members of the Board of Governors shall constitute the quorum for its meetings.

(8) No act or proceedings of the Board of Governors shall be invalid merely by reason of —

(a) any vacancy in, or any defect in the constitution of, the Board of Governors; or

(b) any irregularity in the procedure of the Board of Governors not affecting the merits of the case.

(9) A member having any financial or other interest in any matter coming before the Board of Governors for decision shall disclose his interest in the matter before he may, if allowed by the Board of Governors, participate in such proceedings.

(10) The Chairperson and the other members of the Board of Governors shall hold office during the pleasure of the Central Government.

Certain
modifications
of the Act.

3B. During the period when the Council stands superseded,—

(a) the provisions of this Act shall be construed as if for the word “Council”, the words “Board of Governors” were substituted;

(b) the Board of Governors shall —

(i) exercise the powers and discharge the functions of the Council under this Act and for this purpose, the provisions of this Act shall have effect subject to the modification that references therein to the Council shall be construed as references to the Board of Governors;

(ii) grant independently permission for establishment of new medical colleges or opening a new or higher course of study or training or increase in admission capacity in any course of study or training referred to in Section 10A or giving the person or college concerned a reasonable opportunity of being heard as provided under section 10A without prior permission of the Central Government under that Section, including exercise of the power to finally approve or disapprove the same; and

(iii) dispose of the matters pending with the Central Government under section 10A upon receipt of the same from it.

Power of
Central
Government
to give
directions.

3C. (1) Without prejudice to the provisions of this Act, the Board of Governors or the Council after its reconstitution shall, in exercise of its powers and in the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Board of Governors or the Council after its reconstitution shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is a matter of policy or not shall be final.’.

Ord. 2 of 2010.

3. (1) The Indian Medical Council (Amendment) Ordinance, 2010, is hereby repealed.

Repeal and saving.

Ord. 2 of 2010.

(2) Notwithstanding the repeal of the Indian Medical Council (Amendment) Ordinance, 2010, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

ACT NO. 33 OF 2010
ASSENTED TO ON 4TH SEPTEMBER, 2010
THE JHARKHAND PANCHAYATRAJ (AMENDMENT) ACT, 2010
 AN
 ACT

Further to amend the Jharkhand Panchayat Raj Act, 2001.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Jharkhand Panchayat Raj (Amendment) Act, 2010.

Short title, extent and commencement.

(2) It extends to the whole of the State of Jharkhand.

(3) It shall be deemed to have come into force on the 15th day of April, 2010.

Jharkhand Act
6 of 2001.

2. In the Jharkhand Panchayat Raj Act, 2001 (hereinafter referred to as the principal Act),—

Amendment of Sections 17, 36 and 51.

(a) in Section 17,—

(i) in Part (A), in sub-Section (3) and (4), for the words, figures and letters “at least 1/3rd”, the words “not less than fifty per cent” shall be substituted;

(ii) in Part (B),—

(A) in sub-section (3), for the word, figures and letters “the 1/3rd”, the words “not less than fifty per cent” shall be substituted;

(B) in sub-section (4), for the figures and letters “1/3rd”, the words “not less than fifty per cent” shall be substituted;

(b) in Section 36,—

(i) in Part (A), in sub-sections (3) and (4), for the word “one-third”, the words “fifty per cent” shall be substituted;

(ii) in Part (B), in sub-sections (3) and (4), for the word “one-third”, the words “not less than fifty per cent” shall be substituted;

(c) in Section 51, —

(i) in Part (A), in sub-sections (3) and (4), for the word “one-third”, the words “fifty per cent” shall be substituted; and

(ii) in Part (B), in sub-sections (3) and (4), for the word “one-third”, the words “not less than fifty per cent” shall be substituted.

Amendment of
Section 21.

3. In Section 21 of the principal Act, —

(a) in Part (A),—

(i) in the heading, the words “and Up-Mukhia” shall be omitted;

(ii) for sub-section (1), the following sub-section shall be substituted, namely:—

‘(1) The following procedure shall be followed in respect of reservation for the candidates belonging to the Scheduled Castes and the Scheduled Tribes, namely:—

“(i) In General Areas (Non-Scheduled Areas), the posts of Mukhia shall be reserved for the candidates belonging to the Scheduled Castes and the Scheduled Tribes in proportion of their population and such posts shall be allotted by rotation in the prescribed manner to different constituencies by the State Election Commission.

(ii) In case of less than fifty per cent reservation of posts for the Scheduled Castes and the Scheduled Tribes candidates, rest of the posts shall be reserved for the Other Backward Classes in proportion of their population but in any case the total number of posts reserved for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes shall not exceed more than fifty per cent of the total posts.

(iii) Out of the total posts reserved under clauses (i) and (ii) of this sub-section, not less than fifty per cent of the posts shall be reserved for the women belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes.

(iv) Not less than fifty per cent of the total posts of Mukhia (including the posts reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes) shall be reserved for women candidates and such posts shall be duly allotted by rotation by the State Election Commission indifferent Gram Panchayats of the Panchayat Samiti.” ’;

(b) in Part (B),—

(i) in the heading, the words “and Up-Mukhia” shall be omitted;

(ii) in sub-section (ii), for the word “one-third”, the words “fifty per cent” shall be substituted.

Amendment of
Section 22.

4. In Section 22 of the principal Act, for clause (d), the following Clause shall be substituted, namely:—

“(d) the posts of Up-Mukhia in General Areas as well as in the Scheduled Areas shall be kept unreserved or shall be dealt with in accordance with the provisions made by the State Government.”.

5. In Section 40 of the principal Act,—

Amendment of
Section 40.

(a) in Part (A), for sub-section (1), the following sub-section shall be substituted, namely:—

‘(1) Reservation for the candidates belonging to the Scheduled Castes and the Scheduled Tribes for the posts of Pramukh shall be in the following manner:—

“(i) In General Areas (Non-Scheduled Areas), the total number of posts of Pramukh of the district shall be reserved for the Scheduled Castes and the Scheduled Tribes candidates in proportion of their population and such posts shall be allotted by rotation to different constituencies by the State Election Commission.

(ii) In case of less than fifty per cent reservation of posts for the Scheduled Castes and the Scheduled Tribes candidates, the rest of the posts shall be reserved for the Other Backward Classes in proportion of their population in the area, but in any case, the posts of Pramukh reserved for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes

candidates shall not exceed fifty per cent of the total posts.

(iii) Out of the total posts reserved under Clauses (i) and (ii), not less than fifty percent shall be reserved for women candidates belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes.

(iv) Not less than fifty per cent of the total posts of Pramukh in the district (including posts reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes) shall be reserved for women candidates and such posts shall be allotted by rotation by the State Election Commission in the prescribed manner in the light of total posts of Pramukh of the district.

(v) The posts of Up-Pramukh shall be kept unreserved or shall be dealt with in accordance with the provisions made by the State Government.” ’;

(b) in Part (B), for the word “one-third”, the words “fifty per cent.” shall be substituted.

6. In Section 55 of the principal Act,—

(a) in Part (A), for sub-section (1), the following sub-section shall be substituted, namely:—

‘(1) The following procedure shall be followed in respect of reservation for the candidates belonging to the Scheduled Castes and the Scheduled Tribes, namely:—

“(i) In General Areas (Non-Scheduled Areas), the total number of posts of Adhyaksha of Zila Parishad shall be reserved for the Scheduled Castes and the Scheduled Tribes candidates in proportion of their population in the State and such posts shall be allotted by rotation by the State Election Commission in the prescribed manner in different constituencies:

Provided that if the total number of Adhyaksha belonging to the Scheduled Tribes in the Scheduled Areas is beyond the proportion of their population in the State, further reservation shall not be provided.

Amendment of
Section 55.

(ii) In case of less than fifty per cent reservation of posts of Adhyaksha of Zila Parishad for the Scheduled Castes and the Scheduled Tribes candidates, rest of the vacant posts shall be reserved for the Other Backward Classes in proportion of their population in the State, but in any case the posts of Adhyaksha of Zila Parishad reserved for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes candidates shall not exceed fifty per cent of total posts of Adhyaksha of Zila Parishad.

(iii) Out of the total posts reserved under Clauses (i) and (ii) of this sub-section, not less than fifty per cent shall be reserved for women candidates belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes.

(iv) Not less than fifty per cent of the total posts of Adhyaksha of Zila Parishad (including posts reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes) shall be reserved for women candidates and such posts shall be allotted by rotation by the State Election Commission in the prescribed manner in the light of the total number of posts of Adhyaksha of Zila Parishad in the State.

(v) Posts of Upadhyaksha of Zila Parishad shall be kept unreserved or shall be dealt with in accordance with the provisions made by the State Government.” ’ ;

(b) in Part (B), for the word “one-third”, the words “fifty per cent” shall be substituted.

Amendment of
Section 66.

7. In Section 66 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) The State Election Commission shall have discretion to initiate suitable action on examination of report submitted by Observer or on receipt of allegations of irregularities in Panchayat elections and such action may include countermanding of election, stay on election and stay on counting of votes.”.

Amendment of
Section 67.

8. In Section 67 of the principal Act, in sub-section (3), after Clause (ii), the following clause shall be inserted, namely:—

“(iia) For free and fair conduct of Panchayat elections, the State Election Commission, in consultation with the State Government, shall appoint General and Expenditure Observer, who shall supervise the entire election process and shall submit their report to the State Election Commission.”.

Insertion of new
Section 68A.

9. After Section 68 of the principal Act, the following section shall be inserted, namely:—

Special
Provision
relating to
interpretations.

“68A. In case any doubt arises or inadequacy is felt in giving effect to any provision of this Act in respect of preparation of electoral rolls or conduct of elections, the provisions of the Representation of the People Act, 1950 or the Representation of the People Act, 1951 and the rules made thereunder, as the case may be, shall *mutatis mutandis* apply.”.

43 of 1950.

43 of 1951.

Repeal and
saving.

10. (1) The Jharkhand Panchayat Raj (Amendment) Ordinance, 2010, is hereby repealed.

Jharkhand
Ord. 1 of 2010.

Jharkhand Ord.
1 of 2010.

(2) Notwithstanding the repeal of the Jharkhand Panchayat Raj (Amendment) Ordinance, 2010, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.